

Introduced by Senator Evans

February 21, 2014

An act to amend Section 452 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1344, as introduced, Evans. Foster care: transition jurisdiction.

Existing law, generally provides that a minor who is a ward and in foster care placement, or a nonminor who is a ward in foster care placement who was a ward subject to an order for foster care placement on the day he or she attained 18 years of age and who did not turn 21 years of age prior to January 1, 2014, and who satisfies other specified criteria, is under the transition jurisdiction of the juvenile court. Existing law requires the court to hold a hearing prior to terminating transition jurisdiction over a nonminor dependent and requires the agency responsible for supervising a nonminor dependent subject to the court's transition jurisdiction to complete several actions, including submitting a report describing whether it is in the nonminor dependent's best interests to remain under the court's jurisdiction.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 452 of the Welfare and Institutions Code
- 2 is amended to read:

1 452. (a) The court shall hold a hearing prior to terminating
2 transition jurisdiction over a nonminor dependent.

3 (b) At a hearing during which termination of transition
4 jurisdiction over a nonminor dependent is being considered, the
5 court shall continue its jurisdiction to allow a nonminor dependent
6 who is eligible for foster care placement pursuant to Section 11403
7 to remain in foster care, unless the court finds that after reasonable
8 and documented efforts, the nonminor dependent cannot be located
9 or does not wish to remain a nonminor dependent. In making this
10 finding, the court shall ensure that the nonminor dependent has
11 had an opportunity to confer with his or her counsel and has been
12 informed of his or her options, including the right to reenter foster
13 care placement by completing a voluntary reentry agreement, as
14 described in subdivision (z) of Section 11400, and the right to file
15 a petition pursuant to subdivision (e) of Section 388 to resume
16 transition jurisdiction pursuant to Section 450.

17 (c) The agency responsible under the county protocol for
18 supervising a nonminor dependent subject to the court's transition
19 jurisdiction shall complete all of the following actions for a hearing
20 during which termination of transition jurisdiction over a nonminor
21 dependent is being considered:

22 (1) Ensure that the nonminor dependent is present in court for
23 the hearing, unless the nonminor dependent has waived his or her
24 right to appear in court and elects to appear by telephone ~~instead~~
25 *instead*, or document the reasonable efforts it made to locate the
26 nonminor dependent when the nonminor dependent is not available
27 to appear at the hearing.

28 (2) Submit a report describing whether it is in the nonminor
29 dependent's best interests to remain under the court's jurisdiction.

30 (3) Submit the completed 90-day transition plan.

31 (4) The placing agency's report shall address the manner in
32 which the nonminor was informed of his or her right to reenter
33 foster care prior to attaining 21 years of age, if the nonminor
34 dependent has indicated that he or she does not want juvenile court
35 transition jurisdiction to continue.

36 (5) Submit written verification that the information, documents,
37 and services set forth in paragraphs ~~1 to 8~~, (1) to (8), inclusive, of
38 subdivision (e) of Section 391 have been provided to the nonminor
39 dependent.

1 (6) Certify that the requirements set forth in Section 607.5 have
2 been completed.
3 (d) If the court terminates transition jurisdiction, the nonminor
4 shall remain within the general jurisdiction of the court until the
5 nonminor attains 21 years of age to allow for the filing of a petition
6 to resume juvenile court transition jurisdiction under subdivision
7 (e) of Section 388, although no review proceedings shall be
8 required.

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